

**REMARKS**

Applicant, hereby, cancels claim 3 without prejudice or disclaimer. Therefore, claims 1, 2 and 4-10 are all the claims pending in the application.

**Rejection of claims 1-6 and 9-10 under § 103(a) over Chuah in view of Kim**

Claims 1-6, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah et al. (US Patent Publication No. 2005/0085254), hereinafter “Chuah”, in view of Kim et al. (US Patent Publication No. 2003/0119452), hereinafter “Kim”. Applicant submits the following in traversal.

**Claim 1**

Without conceding on the patentability of unamended claim 1, Applicant amends claim 1 to include the subject matter of claim 3. Applicant submits that Chuah in view of Kim fail to disclose or suggest an optimization process comprising, *inter alia*, fixing a percentage of mobile terminals that should receive the MBMS service, broadcasting signals having a determined power level, determining a percentage of mobile terminals that respond to signals that have been broadcast, reducing an emission power level, as long as the fixed percentage of mobile terminals has not been reached for at least the following reasons.

Specifically, Chuah discloses broadcasting, by a source, a broadcast threshold value Ec/Ior to all the multicast users in a cell coverage area and comparing, by each end user, the measured received pilot signal strength and the broadcast threshold value Ec/Ior (paragraph [0023]). Additionally, Chuah discloses a step where only certain measured values of the received pilot signal strength are reported to the network (based on step 308, paragraph [0024]) and a determination is made as to the number of users, out of the users that have reported their received pilot signal strength, that will be supported by a first transmission scheme and a second

transmission scheme (paragraph [0026]). Even assuming *arguendo*, that the Examiner is intending to argue that broadcasting the broadcast threshold Ec/Ior corresponds to the claimed broadcasting signal, Applicant submits that Chuah fails to disclose “determining a percentage of mobile terminals that respond to signals that have been broadcast”. Instead, Chuah merely determines the number of users that report their received pilot signal strength to the network and does not determine the percentage of the users that respond to the broadcast signal.

Furthermore, Applicant submits that Chuah in view of Kim fail to disclose or suggest “reducing an emission power level, as long as the fixed percentage of mobile terminals has not been reached”. The Examiner cites paragraph [0026] of Chuah as allegedly disclosing the above by stating that the first transmission scheme broadcast is less than the initial broadcast to all multicast users within the cell coverage. Applicant submits Chuah does not disclose that the first transmission scheme broadcast is less than the initial broadcast to all multicast users within the cell coverage in paragraph [0026]. Applicant respectfully requests the Examiner to specifically point out what the Examiner considers as corresponding to the above noted claim feature in Chuah.

Even if assuming *arguendo*, that Chuah discloses that the first transmission scheme broadcast is less than the initial broadcast to all multicast users within the cell coverage, which the Applicant does not acquiesce to, Applicant submits that Chuah fails to disclose reducing an emission power level, as long as the fixed percentage of mobile terminals has not been reached. Specifically, since Chuah fails to disclose determining a percentage of mobile terminals that respond to signals that have been broadcast, as submitted above, Applicant submits that Chuah fails to disclose or suggest determining if the fixed percentage of mobile terminal has been reached. Accordingly, Applicant submits that Chuah in view of Kim fail to disclose or suggest

reducing an emission power level, as long as the fixed percentage of mobile terminals has not been reached.

In view of the above, Applicant respectfully submits that Chuah in view of Kim fail to disclose or suggest “defining a third criteria representing the fixed percentage of mobile terminals that has been reached at a fixed emission power level; establishing a signalization connection between the cellular telecommunication network and mobile terminals located in a broadcast zone that fulfill the first, second and third criteria”.

For at least the reasons submitted above, Applicant respectfully submits that claim 1 is patentable.

For reasons similar to those submitted for claim 1, Applicant respectfully submits that claim 9 is patentable.

Claims 2, 4-8 and 10, which depend from claims 1 or 9, are patentable at least by virtue of their dependencies.

**Rejection of claims 7 and 8 under § 103(a) over Chuah, in view of Kim and Lee**

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chuah in view of Kim and further in view of Lee et al. (US Patent Publication No. 2004/0146041), hereinafter “Lee”.

Lee does not cure the above noted deficiencies of Chuah and Kim with respect to independent claim 1. Accordingly, claims 7 and 8, which depend from independent claim 1, are patentable at least virtue of the dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Howard L. Bernstein

Registration No. 25,665



SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

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